

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, October 16 2012

Penal Code section 1170(e)

Pursuant to Government Code section 11126(c)(4)

BREWER, BRIAN GLEN

V98513

PC 1170

Motion: THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B) DUE TO HIS EXTENSIVE CRIMINAL HISTORY AND ASSOCIATION WITH A VIOLENT MOTORCYCLE GANG COUPLED WITH HIS CURRENT FULL MOBILITY.

Motion by: Zarrinam

Second by: Singh

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinam

Nay:

Abstain:

Not Present: Roberts

Decision: Decline to Refer

CUBIE, BERNICE

W34651

PC 1170

Motion: THE PRISONER IS TERMINALLY ILL AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(A). THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT DO NOT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B).

Motion by: Anderson, Jr.

Second by: Garner

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinam

Nay:

Abstain:

Not Present: Roberts

Decision: Refer to Court

En Banc Review

Pursuant to Government Code section 11126(c)(4)

DIAZ, MARIA RODRIGUEZ

W74874

Governor Referred

Motion: ADD SPECIAL CONDITIONS OF PAROLE FOR DIAZ TO NOT HAVE UNSUPERVISED CONTACT WITH MINORS AND NOT BE A CAREGIVER OF ANY PERSON WITHOUT PRIOR APPROVAL OF DAPO BECAUSE OF THE NATURE OF THE COMMITMENT OFFENSE.

Motion by: Zarrinam

Second by: Garner

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinam

Nay:

Abstain:

Not Present: Roberts

Decision: Affirm

FERRELL, CLISTIE MAE**W32416****Governor Referred**

Motion: AFFIRM THE 6/05/12 SUITABILITY DECISION FOR THE REASONS STATED BY THE PANEL IN THE PROPOSED DECISION.

Motion by: Peck

Second by: Figueroa

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Labahn, Peck, Turner, Zarrinnam

Nay: Garner, Montes, Singh

Abstain:

Not Present: Roberts

Decision: Affirm

JOSEPH, JOHN GONZALAS**K67634****Referred by Decision Review**

Motion: DISAPPROVE THE 6/28/12 PROPOSED DECISION AND SCHEDULE A REHEARING ON THE NEXT AVAILABLE CALENDAR BECAUSE OF THE NEW INFORMATION THAT A CONFIDENTIAL MEMO WAS ERRONEOUSLY PLACED IN THE INMATE'S CENTRAL FILE AND SUBSEQUENTLY WAS RELIED UPON BY THE PANEL.

Motion by: Garner

Second by: Peck

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinnam

Nay:

Abstain:

Not Present: Roberts

Decision: Rehearing

LE, THIEU HAI**P13509****Referred by Decision Review**

Motion: DISAPPROVE THE 7/05/12 PROPOSED TERM CALCULATION AND SCHEDULE A REHEARING ON THE NEXT AVAILABLE CALENDAR AS THE PANEL USED AN ERRONEOUS LIFE TERM START DATE.

Motion by: Anderson, Jr.

Second by: Fritz

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinnam

Nay:

Abstain:

Not Present: Roberts

Decision: Rehearing

PEREZ, PETER**K14299****Referred by Decision Review**

Motion: DISAPPROVE THE 7/31/12 PROPOSED TERM CALCULATION AND SCHEDULE A REHEARING ON THE NEXT AVAILABLE CALENDAR AS THE PANEL USED AN ERRONEOUS LIFE TERM START DATE.

Motion by: Garner

Second by: Fritz

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinnam

Nay:

Abstain:

Not Present: Roberts

Decision: Rehearing

TILLMAN, ROGER MARCUS

E58603

Referred by Decision Review

Motion: DISAPPROVE THE 7/12/12 PROPOSED TERM CALCULATION AND SCHEDULE A REHEARING ON THE NEXT AVAILABLE CALENDAR AS THE PANEL SELECTED THE ERRONEOUS MATRIX IN LIGHT OF THE BASE OFFENSE, CONSPIRACY TO COMMIT FIRST-DEGREE MURDER.

Motion by: Turner

Second by: Anderson, Jr.

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinam

Nay:

Abstain:

Not Present: Roberts

Decision: Rehearing

WU, HENRY NGO

E46524

Governor Referred

Motion: AFFIRM THE 5/10/12 SUITABILITY DECISION FOR THE REASONS STATED BY THE PANEL IN ITS PROPOSED DECISION

Motion by: Ferguson

Second by: Labahn

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinam

Nay:

Abstain:

Not Present: Roberts

Decision: Affirm

ZELL, MICHAEL

H76886

Governor Referred

Motion: VACATE THE 6/06/12 SUITABILITY DECISION AND SCHEDULE A NEW HEARING PURSUANT TO THE REASONS CITED IN THE GOVERNOR'S LETTER.

Motion by: Labahn

Second by: Anderson, Jr.

Aye: Anderson, Jr., Ferguson, Fritz, Garner, Labahn, Montes, Peck, Singh, Turner, Zarrinam

Nay:

Abstain: Figueroa

Not Present: Roberts

Decision: Schedule for a Rescission Hearing